

IPW

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q86719

Yoshiyuki MIYAMOTO

Appln. No.: 10/527,201

Group Art Unit: 1774

Confirmation No.: 2279

Examiner: Not Yet Assigned

Filed: March 10, 2005

For: **PROCESS FOR PREPARING REACTIVE GRAPHITE-LIKE LAYERED MATERIAL**

**SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(IPER)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Examination Report (IPER). It is assumed that copies of the cited references as required by §371(c) will be supplied directly by the International Bureau, but if further copies are needed, the undersigned will undertake to provide them upon request.

Respectfully submitted,

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 30, 2005

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

To:

MIYAZAKI, Teruo  
8th Floor, 16th Kowa Bldg.  
9-20, Akasaka 1-chome  
Minato-ku, Tokyo 107-0052  
JAPON

Date of mailing ( <i>day/month/year</i> ) 26 May 2005 (26.05.2005)	
Applicant's or agent's file reference NEC03P088A	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/010593	International filing date ( <i>day/month/year</i> ) 21 August 2003 (21.08.2003)
Applicant NEC CORPORATION et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA, CN, EP, KR

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

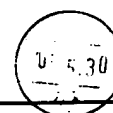
US

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Authorized officer  Masashi Honda  Facsimile No. +41 22 338 70 10
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Translation

PATENT COOPERATION TREATY

PCT/JP2003/010593



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference NEC03P088A	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/010593	International filing date (day/month/year) 21 August 2003 (21.08.2003)	Priority date (day/month/year) 10 September 2002 (10.09.2002)
International Patent Classification (IPC) or national classification and IPC C01B 31/04, 31/02, 21/064		
Applicant NEC CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>3</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 21 August 2003 (21.08.2003)	Date of completion of this report 24 May 2004 (24.05.2004)
Name and mailing address of the IPEA/JP  Facsimile No.	Authorized officer  Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/010593

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-11, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1-7, filed with the letter of 09 January 2004 (09.01.2004)
- ☒ the drawings:  
 pages 1/4-4/4, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 03/10593

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

### 2. Citations and explanations

Document 1: A. V. KRASHENINNIKOV et al., "Production of Defects in Supported Carbon Nanotubes Under Ion Irradiation," Physical Review B, April 2002, Vol. 65, 165423

The inventions that are set forth in claims 1-7 pertain to methods for producing a reactive graphite-like layered material by means of (1) a step for forming an introduction site by decreasing the number of dangling bonds in the vicinity of a hole, (2) a step for introducing a molecule or atom that constitutes the graphite-like layered material into the introduction site and (3) a step for forming new bonds between the graphite-like layered material and the molecule or atom that has been introduced. However, the inventions that are set forth in claims 1-7 are not fully supported by the description, as indicated in Box VIII; therefore, it is impossible to confirm whether a reactive graphite-like layered material can be obtained by means of the abovementioned steps (1) to (3) in the light of the description. Consequently, the findings pertaining to the novelty, inventive step and industrial applicability of the inventions that are presented herein were made based upon the assumption that it is possible to obtain a

reactive graphite-like layered material by means of the abovementioned steps (1) to (3).

Document 1 cited in the international search report discloses a feature wherein a graphite-like layered material is irradiated with ions or electrons in order to form defects, whereafter the material is subjected to an annealing processes. Therein, it is understood that said annealing process, like the abovementioned (1) step for forming an introduction site, decreases the dangling bonds in the vicinity of a hole. In addition, document 1 discloses a feature wherein Stone-Wales type defects are formed by means of annealing, and it is likely that said defects are reactive, as is set forth in the description of the present application.

However, document 1 does not disclose the feature of implementing a "step for introducing a molecule or atom that constitutes the graphite-like layered material into the introduction site," such as the abovementioned step (2), after annealing, or, in other words, after the abovementioned (1) step for forming an introduction site, and this feature cannot be said to be obvious to a person skilled in the art. In addition, the feature in question is not disclosed or suggested in any of the prior art documents other than document 1 that are cited in the international search report.

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The inventions that are set forth in claims 1-7 pertain to "methods for producing a reactive graphite-like layered material." However, the description presents materials that include Stone-Wales type defects as examples of the reactive graphite-like layered material, example 1 presents a method for forming Stone-Wales type defects in graphite, and example 2 presents methods for forming Stone-Wales type defects in h-Bn. If the reactive graphite-like layered material signifies materials that include Stone-Wales type defects, then, in the light of the disclosures of the description, it is thought that after forming a two-atom hole as illustrated in fig. 2 and then forming the structure that is illustrated in fig. 3 by reducing the dangling bonds in the vicinity of the hole, it is necessary to include a step for inserting two atoms or a two-atom molecule therein. However, the claims do not make any disclosures pertaining to the feature of forming Stone-Wales type defects from two-atom holes; therefore, the relationship between the disclosures of the claims and the description is unclear.

In addition, examples 1 and 2 do not actually verify whether the materials obtained by means of the abovementioned production method have Stone-Wales type defects by means of a specific detection method or the like; likewise, the reactivity of the materials obtained by means of the production method presented in examples 1 and 2 has not been confirmed. Furthermore, it is impossible to verify whether a structure having Stone-Wales type defects or another reactive structure is actually formed by means of the production method that is set forth in claims 1-7 in the light of the disclosures in

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**VIII. Certain observations on the international application**

portions of the description other than the examples.

Consequently, the method for producing a reactive graphite-like layered material that is set forth in claims 1-7 is not disclosed in the description in the meaning of PCT Article 5, and is not fully supported by the disclosures in the description in the meaning of PCT Article 6.